

O'NEILL / HASSEN

Attorneys at Law

MEMO ENDORSED

September 26, 2024

Honorable Laura Taylor Swain
Chief United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

RE: *United States v. Luis DeJesus*, 24 cr 59 (LTS)

Dear Judge Swain:

I write to ask that the Court adjourn Mr. DeJesus's sentencing for two weeks. The government consents to this adjournment request. Mr. DeJesus' sentencing is scheduled for later today, September 26, 2024.

As noted in our sentencing memorandum, Mr. DeJesus intervened earlier this year when a group of inmates attacked a counselor. We do not yet have anything to show that this happened from MDC, who has not responded to my inquiries. The government has offered to attempt to procure documentation of this incident.

A few weeks ago, Mr. DeJesus was attacked by a group of gang members who were offended that he was the orderly in their unit – a position that the inmates believed should have gone to a fellow gang member. Mr. DeJesus was given this position in part because of his earlier efforts to save this counselor during the attack. The MDC is investigating this incident, and the government has provided us with some of the documentation.

Although we have some materials, we are hopeful that these two weeks will allow the government to receive more materials that will bolster our claims about Mr. Luis's intervention in this earlier attack and the retaliation he has suffered in the prison for his efforts to save a counselor. Of course, any documentation that demonstrates that Mr. DeJesus risked his own well-being to save a BOP employee from attack would be powerful mitigating information for the Court to consider. Any information about attacks Mr. DeJesus has suffered as a result would likewise impact the Court's analysis of the conditions Mr. DeJesus has endured in MDC.

I apologize for the late notice of this request. The government has provided me with this information a few days ago, but I had not been able to

enter MDC to discuss this request with Mr. DeJesus. Understandably, he and his family are very anxious for him to be sentenced and moved out of the facility. His family intends to come to his sentencing, and a two-week adjournment will provide them with enough time to take off work and make travel arrangements. The government consents to this request for an adjournment.

I thank the Court for its attention to this matter.

Respectfully submitted,

/s

Grainne E. O'Neill

The foregoing request is granted. The sentencing hearing in this case is hereby rescheduled for **October 10, 2024, at 2:30 P.M.** in Courtroom 17C. DE 38 resolved.

SO ORDERED.

9/26/2024

/s/ Laura Taylor Swain, Chief USDJ

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